



09-13-05

RCE 3431

PTO/SB/30 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/064,944
Filing Date	August 30, 2002
First Named Inventor	Monteverde
Art Unit	3631
Examiner Name	Nguyen, Cindy
Attorney Docket Number	33983-400100

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

a. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 19-1351. I have enclosed a duplicate copy of this sheet.

a. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 790.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
Signature		Date
Name (Print/Type)	Robert W. Diehl	September 12, 2005
	Registration No.	35,118

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Signature	
Name (Print/Type)	RoseAnn White
Date	September 12, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Adjustment date: 11/14/2005 *If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

09/14/2005 EFLORES 00000045 10064944
01 FC:1801 -790.00 OP

11/14/2005 SDIRETA1 00000014 10064944
01 FC:2801 395.00 OP

09/14/2005 EFLORES 00000045 10064944 790.00 OP
01 FC:1801
Rep'n. Ref: 11/14/2005 SDIRETA1 0011072700
DAH:191351 Name/Number:10064944 \$395.00 CR
FC: 9204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Monteverde)
Serial Number: 10/064,944)
Original Filing Date: August 30, 2002)
RCE Filing Date: September 12, 2005)
For: **SYSTEM AND METHOD FOR**)
PREDICTING ADDITIONAL)
SEARCH RESULTS OF A)
COMPUTERIZED DATABASE)
SEARCH USER BASED ON AN)
INITIAL SEARCH QUERY)

CUSTOMER NUMBER: 27717

US PATENT & TRADEMARK
OFFICE

Group Art Unit: 2171

Confirmation No.: 3631

Examiner: Nguyen, Cindy

MAIL STOP 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF OVERPAYMENT OF FILING FEE

Dear Sir:

On September 12, 2005, Applicant filed a Request for Continued Examination (RCE) of the present application. Applicant inadvertently filed the RCE as a large entity with payment of the \$790 large entity filing fee. Small entity status was established in the original application filed on August 30, 2002, in accordance with 37 C.F.R. 1.27(c)(3). Such small entity status has not changed, and the payment as a large entity was in error and without deceptive intent.

Applicant asserts that he is indeed a small entity under the definition of 37 C.F.R. 1.27.

Therefore, the filing fee for the RCE should have been \$395.00. Request is hereby made for a refund of the overpayment of the filing fee in the amount of \$395, and that said fee be credited to Deposit Account No. 19-1351.

Application No. 10/064,944
Attorney Docket No. 33983 400100
Date Mailed: September 30, 2005

REQUEST FOR REFUND

This request is being made within three-months of the filing of the RCE application as required under 37 C.F.R. 1.28(a) or within two years as required by 37 C.F.R. 1.26, whichever is applicable.

If additional information is required in this matter, Applicant requests that the undersigned attorney be contacted at the convenience of the Patent Office reviewing personnel.

Respectfully Submitted,

SEYFARTH SHAW LLP

By 

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312-346-8000
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Attorney For Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to MAIL STOP 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2005.


RoseAnn White